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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 HERBERT S. OLSON,

10 Petitioner,

11 vs.

12 WARDEN ISIDRO BACA, et al.,

13 Respondents.
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Case No. 3:14-cv-00424-HDM-WGC

ORDER

15 Petitioner has submitted a motion to dismiss petition for writ of habeas corpus pursuant to
16 28 U.S.C. § 2254, without prejudice (#4). Petitioner notes that his direct appeal from the judgment
17 of conviction is still pending in the Nevada Supreme Court. Consequently, petitioner has not yet
18 exhausted his available state court remedies. 28 U.S.C. § 2254(b). See also Sherwood v. Tomkins,
19 716 F.2d 632, 634 (9th Cir. 1983). The court will grant petitioner's motion. Petitioner at all times
20 remains responsible for calculating the running of the federal limitation period and timely asserting
21 claims. See 28 U.S.C. § 2244(d)(1).

22 IT IS THEREFORE ORDERED that petitioner's motion to dismiss (#4) is **GRANTED**.
23 This action is **DISMISSED** without prejudice. The clerk of the court shall enter judgment
24 accordingly.

25 DATED: September 23, 2014.

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28 **HOWARD D. MCKIBBEN**
United States District Judge